IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 14909 of 2005(Y)

PETITIONER:

SURESH THOMAS,
PRESIDENT OF THE CATTLE BREEDERS'
MILK CO-OPERATIVE SOCIETY LTD. NO.K.30(D),
ERUMELY.

BY ADV. SRI.P.RAVINDRAN.

RESPONDENTS:
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1. **THE DEPUTY DIRECTORATE OF DIARY**
   DEVELOPMENT, OFFICE OF THE DEPUTY DIRECTORATE,
   KOTTAYAM.

2. **THE ERUMELY CATTLE BREEDERS'**
   MILK CO-OPERATIVE SOCIETY LTD.NO.(D),
   ERUMELY.

***ADDL.R3. THE ADMINISTRATOR,**
ERUMELY CATTLE BREEDER'S MILK CO-OPERATIVE
SOCIETY LTD., DIARY FARM INSTRUCTOR B UNIT,
KANJIRAPPALLY.

***ADL. R3. IMPLEADED VIDE ORDER DTD. 30/05/2005 IN I.A. NO. 7017/2005.**

BY GOVERNMENT PLEADER SMT. DEEPA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.14909/2005:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE NOTICE ISSUED BY THE R.1. DTD. 04/11/04.

EXT.P.2: COPY OF THE REPLY OF THE EXT. P.1. NOTICE.

EXT.P.3: COPY OF THE NOTICE ISSUED BY THE R.1. DTD. 01/02/05.

EXT.P.4: COPY OF THE COVERING LETTER SUBMITTED BY THE SOCIETY TO THE R.1. DTD. 14/02/2005.

EXT.P.5: COPY OF THE CERTIFICATE OF POSTING TO EXT. P.4. MAILING LETTER.

EXT.P.6: COPY OF THE ORDER ISSUED BY THE R.1. DTD. 18/04/05.

RESPONDENT'S EXHIBITS:

EXT.R1.A: ENQUIRY REPORT OF THE DISTRICT DAIRY DEVELOPMENT DEPARTMENT DTD. 29/09/2007.

EXT.R1.B: REPLY OF THE SOCIETY DTD. 14/02/2005.

EXT.R1.C: AUDIT REPORT OF ASST. REGISTRAR, KANJIRAPPALLY.

EXT.R1.D: REPORT OF THE PART TIME ADMINISTRATOR.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P.(C) No.14909 of 2005

Dated 14th March, 2007.

J U D G M E N T

The challenge is on Ext.P6 order passed under Section 32 of the Kerala Cooperative Societies Act,1969. Though the petitioner has raised several contentions and though the learned Government Pleader also, referring to the counter affidavit made an attempt to sustain the order, I am of the view that since the ordinary remedy of appeal is available to the petitioner against Ext.P6, it is not necessary for this Court to go into the disputed questions of fact involved in the case at this stage, particularly in view of the contention that the affected parties did not get sufficient opportunity before the Joint Registrar. In the above circumstances, the writ petition is disposed of as follows :-

In the event of the petitioner filing the appeal before the appellate authority within a period of two months from today, the same will be duly considered with notice to the petitioner and appropriate orders in accordance with law thereon will be passed expeditiously. The interim order passed by this Court will

continue till orders as passed as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 14th March, 2007.